

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NICHOLAS E. CAMPBELL,

Civil Action No: 2:08-cv-1610

Plaintiff,

Honorable Judge Gary L. Lancaster

v.

Electronically Filed

POLARIS INDUSTRIES, INC., a Minnesota  
corporation; POLARIS INDUSTRIES, INC. a  
Delaware corporation,

Defendants.

**STIPULATION AND ORDER FOR  
PRESERVATION OF PHYSICAL EVIDENCE**


AND NOW, come the parties, by their respective counsel, and hereby stipulate and agree as follows:

1. This litigation stems from an all-terrain vehicle accident that allegedly occurred on August 3, 2007, in Armstrong County, Pennsylvania. The Complaint alleges that the incident occurred while Nicholas Campbell was operating an all-terrain vehicle manufactured and supplied by Polaris Industries, Inc.
2. The parties agree that it is important for all interested persons to have access to the physical evidence throughout these proceedings. Therefore, it is agreed that the all-terrain vehicle will be preserved in its present condition from this moment forward until the conclusion of this litigation.
3. Further, all parties shall have the right to non-destructively inspect, examine and photograph the ATV provided that reasonable notice of the inspection is provided to all other parties.
4. During any non-destructive examination or inspection of the ATV, all parties shall be entitled to have a representative present to oversee, monitor and observe the inspection.


5. No destructive testing or destructive analysis of the ATV shall be conducted unless and until consent of all parties has been obtained or an Order of Court has been entered permitting the destructive examination.

**STIPULATED AND AGREED TO BY:**

**Friday Porta Cox & Ward LLC**

By:   
Peter D. Friday, Esq.  
3220 West Liberty Avenue, Suite 200  
Pittsburgh, PA 15216-2320  
Counsel for Plaintiff

**Pietragallo, Gordon, Alfano, Bosick  
& Raspanti, LLP**

By:   
Clem C. Trischler, Esq.  
One Oxford Centre, Suite 3800  
Pittsburgh, PA 15219  
Counsel for Defendant

IT IS SO ORDERED this 30<sup>TH</sup> day of DECEMBER, 2008.

